Proceedings of the 2008 Center for Homeland Defense and Security Annual Conference

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The 2008 Center for Homeland Defense and Security (CHDS) Annual Conference was conducted January 29-30, 2008, at the Naval Postgraduate School in Monterey, California. Its theme, *Five Years of Meeting the Homeland Security Challenge*, was tied to the fifth anniversary of the establishment of CHDS. More than 230 CHDS master's degree and Executive Leadership program alumni, partners, sponsors and stakeholders participated in the event.

The conference featured a keynote speaker; a question and answer plenary session with a panel of senior Homeland Defense and Security government executives; and three breakout sessions dealing with issues in *Intelligence and Information Sharing, Border Security,* and *Public and Private Integration.* Prior to the conference a call for papers was issued for alumni papers to be presented in the breakout sessions along with a call for alumni questions to be presented to members of the panel as well as to the keynote speaker.

Panel Discussion and Questions and Answers

The panel participants included:

- Joseph Billy, Jr., Assistant Director, Counterterrorism, Federal Bureau of Investigation
- Dr. Donald Kerr, Principal Deputy Director of National Intelligence
- Brigadier General Christopher Miller, Director of Plans, Policy and Strategy, U.S. Northern Command
- David Paulison, FEMA Administrator, Department of Homeland Security
- Robert Stephan, Assistant Secretary, Infrastructure Protection, Department of Homeland Security
- Jack Tomarchio, Deputy Under Secretary for Operations, Office of Intelligence and Analysis, Department of Homeland Security
- Peter Verga, Principal Deputy Assistant Secretary for Homeland Defense, Department of Defense

The plenary question and answer session with the panel began with each panelist requested to make a statement addressing two over-arching questions, followed by an open question and answer session with conference participants. The responses of the panelists offer an informal road map for research into the homeland defense and security way ahead. The questions and the collective responses (bulleted points) were:

Question 1: What has been accomplished in homeland defense / security?

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- Improvement in interagency collaboration; all homeland defense/security events have ramifications that cross agency boundaries.
- Improvement in interagency responsibility to share information; the absence of terror attacks in the United States since 9/11 is no accident.
- Creation of agencies, including the Department of Homeland Security and U.S. Northern Command, responsible for defending the homeland; pre-9/11 focus was primarily outside the United States.
- Realization that domestic intelligence has "taken its place at the table" and that the "responsibility" to share intelligence is now a "duty" to share intelligence at all levels.

Question 2: What homeland defense/security challenges do we have ahead of us?

- Keeping our national focus and sustaining the effort; the threat is there whether or not we pay attention.
- Privacy can no longer be equated with anonymity; we must locate threats in cyberspace and tie them to events in the physical world.
- Ability to operate in a dynamic, flexible, changing environment against adaptable adversaries.
- Creation of an integrated interagency planning process; otherwise we will not achieve the necessary unity of effort that al Qaeda has demonstrated.
- Continued protection of individual rights and civil liberties.

The Keynote Speaker, representing Department of Homeland Security Secretary Michael Chertoff, was Edmund S. "Kip" Hawley, Transportation Security Agency Administrator. Mr. Hawley's remarks established two critical points. First, even when they work at their best, the nation's old institutions and methods are not adequate to the threats of today. Second, we must find new ways of thinking in homeland defense and security.

INTELLIGENCE AND INFORMATION SHARING BREAKOUT

Intelligence and information presentations were facilitated by Chief Patrick Miller, Ventura, California Police Department. The 9/11 Commission identified several shortfalls in the nation's ability to conduct intelligence, particularly in the area of domestic intelligence. The essential element to creating an effective domestic intelligence component is the development of both strategy and capability that integrate the nation's traditional foreign intelligence with homeland security centric elements consisting of federal-state-local-private organizations. Despite the 9/11 Commission's findings, several shortfalls identified by the Weapons of Mass Destruction Commission and other panels on the ability of the director of National Intelligence to effect intelligence reform, and the National Counter Terrorism Center's inability to support domestic intelligence, have raised concerns whether the nation is more secure six years after 9/11. These concerns, along with rising criticism over National Security

Agency wiretapping programs and concerns over National Security Letters, further contribute to this uncertainty.

The first presentation by Lieutenant Commander (USN) James Birch, U.S. Northern Command, provided an overview of the history of intelligence in order to provide context to his questions on the future of intelligence operations:

- What is the end state we want in intelligence and how are we going to get there?
- Do organizational mechanisms sharing information and oversight make us safer?
- Does our current reorganization of intelligence organizations put us where we want to be in twenty-five years?
- Where do we get intelligence training for fusion centers and vet analysts?
- What will be the consequence of a significant mistake by fusion centers?

Brigadier General Mike McDaniel, Michigan National Guard, gave an overview of the evolution of the Michigan Fusion Center and a glimpse of future plans. Michigan plans on full integration of an environmental "desk" along with a critical infrastructure "desk," staffing the environmental desk with public health and other agencies that investigate and manage the health of the environment, and the critical infrastructure desk with National Guard and other counterintelligence experts. McDaniel received several questions from the audience, including:

- What do you do about private organizations and sharing sensitive information to an individual or organization that is non-law enforcement?
- How do we develop critical infrastructure/key assets intelligence?
- Where and how is Michigan going to train their fusion center staff?

McDaniel shared Michigan's intent to enter into trusted partnership with the private sector, the use of access control alarm monitoring system (ACAMS) at the Critical Infrastructure/Key Resources (CI/KR) desk, and the use of the Institute for Law Enforcement Administration (ILEA) and the Federal Law Enforcement Training Center (FLETC) to train analysts.

Inspector Kevin Eack, Illinois State Police, discussed the evolution of fusion centers and highlighted several fusion center successes in disrupting terrorist attacks, sharing with the audience the need to simultaneously maintain the successful operation of the centers and share with the public the successful disruption of terror plots.

BORDER SECURITY BREAKOUT

This session, facilitated by Dr. Robert Bach of the Center for Homeland Defense and Security, addressed current issues and challenges to border security, specifically maritime mass migration in the Caribbean Basin and current efforts to protect the United States-Mexico border. Protecting national borders on land or at sea is difficult, if not impossible and entirely unpredictable. The United

States has committed billions of dollars in resources and untold man-hours to resolve one of the most fervently debated issues in the past decade. However, strategies to prevent the terrorist threat via the country's hundreds of miles of unsecured borders and the open seas are not failsafe as illegal aliens continue to cross our borders and take to sea at an alarming pace. Particularly, influences of determined criminal elements combined with the resolve of immigrants seeking relief from years of oppression and political instability opens the door to a potential breach in homeland security that is unpredictable at best. But illegal immigration, while fueling maddening visions as an ideal mechanism for foreign terrorism, may be more appropriately described as a result of political strategy and cultural influences both from the home country and the United States.

As the United States weighs the risk of potential terrorist attacks versus the cost to prevent them, it could well be that we are doing to ourselves exactly what al Qaeda intended all along: we could become victim of our own policy decisions, spending hundreds of billions of dollars on a threat we cannot stop. Realistically, the United States will never be converted to a 100 percent Muslim nation; yet we continue to pour money into the effort to defend against this "threat" while selling the public on the necessity of our actions. Add in the factor of an election year and the odds of near-term success in curbing illegal immigration diminish significantly. Prevention of illegal immigration is not popular, but it is costly, and costs are difficult to pass on to the public, particularly in an election year. All the while, the lack of focus on border security and desperate illegal immigrants presents a vulnerability affected by political liability, leaving both the United States and illegal immigrants susceptible to exploitation from a very real threat.

Despite having resources ranging from thousands of personnel from numerous federal agencies, to millions of dollars spent on tactical infrastructure, no single strategy has proven successful for preventing illegal immigration along the United States-Mexico border. Philip Wrona's presentation outlined numerous efforts to protect the border ranging from the Secure Borders Initiative, to REAL ID, and the use of unmanned aerial vehicles, resulting in daily seizures of drugs and vehicles, and thousands of arrests and deportations. The statistics are staggering and the cooperation and involvement of federal agencies is unprecedented, yet despite the relative success of programs such as Operation Jump Start (scheduled to end summer 2008), these efforts have not stopped the flow of illegal immigrants into the country. For every successful intervention, immigrants find new routes and methods around barriers; this presents challenges for future border security endeavors.

The paper submitted by Karina Ordóñez, Arizona Department of Homeland Security, highlights the way in which the phenomenon of illegal cross-border migration continues to rise while smugglers adjust to law enforcement tactics, and the primary challenges facing policymakers in developing innovative policies to minimize illegal cross-border activity. Ordóñez provides a very clear description of the *balloon effect* along the United States-Mexico border: the displacement of illegal cross-border activity to another less secure sector of the border as a result of increased apprehension activities in a more secure sector. She concludes that the current manner of deployment and employment of

resources must be revisited, and tied to accurate use of intelligence, in order to increase efficiency and alleviate the potential *balloon effect*.

Commander Robert Watts, United States Coast Guard, presented a view of current maritime operations to prevent, deter, and intercept maritime mass immigration from the Caribbean islands and Cuba. In contrast to Mexican national immigration statistics, those from Cuba represent some of the most accurate data available. Efforts to interdict Cuban migrants have been highly successful but, as on the Arizona-Mexico border, the criminal constituency has found new ways to circumvent the system, forming new routes and including smuggling networks savvy to the financial incentives available to Cubans reaching American soil. While the Coast Guard is well prepared for interdiction, issues remain. Avoiding a "Katrina at Sea" mass humanitarian mission is paramount, but no single trigger metric exists to forewarn of such a disaster because mass migration is dependent on the current political state and perceived treatment of the people in that environment. Nowhere is this more evident than in Cuba where Castro's advanced age and failing health have put the potential for such an event at the forefront. As in the United States-Mexico border area, maritime security involves participation from countless agencies and resources. Plans to accommodate the potential hundreds of thousands of Cuban refugees seeking asylum in the United States are not without controversy.

At the conclusion of these presentations, discussions focused on the relative threat to homeland security by illegal immigrants and whether illegal immigration is truly a homeland security issue. Bach and others raised several points: Are the illegal immigrants themselves a threat, or is the potential for exploitation by other groups, such as smugglers, the more menacing possibility? Should the United States completely close its borders to all immigration? On the other hand, if all illegal immigrants were allowed in at once, how would the federal government manage them? As pointed out by several attendees, United States attention to foreign immigration problems could blind us to the more serious threat of local born terrorists.

PUBLIC AND PRIVATE INTEGRATION BREAKOUT

This session, facilitated by Stephen Iannucci, managing director for emergency preparedness, Bear Stearns, focused on methods and issues of integrating public and private interests in homeland security. Discussion recognized that several paradigms were altered on 9/11. The provision of security, historically the sole responsibility of government, was altered by the realization that private companies have a vital role in supporting homeland security strategy. The private sector owns and operates approximately 85 percent of the nation's critical infrastructure, possesses significant intellectual capital, and contains vast resources that can be applied to supporting various homeland security mission areas. Despite the recognition that the private sector is the "first line of defense" for critical infrastructure protection in the *National Strategy for Homeland Security* (2007), there remains a concern whether it has been fully incorporated as part of the overall national homeland security effort. Continuing private sector concerns over the protection of proprietary and intellectual property, the inability to establish information-sharing mechanisms, and the uneven implementation of

collaborative venues across the nation to establish public and private integration raises concerns whether the private sector is being utilized to its fullest potential.

Inspector Matthew Simeone, Nassau County Police Department, discussed the creation of virtual public-private partnerships between law enforcement and the private sector, citing Nassau County, New York, as a successful example. The post-9/11 environment has created a need to expand the criminal intelligence capabilities of law enforcement agencies beyond everyday crime to include the threat of terrorism. Law enforcement success may depend on successful partnership with the private sector. With a ratio of 1:400 between law enforcement and the private sector, virtual public-private partnerships offer law enforcement agencies the potential to expand exponentially their networks for collecting and disseminating information. In conjunction with a move towards intelligence-led policing, this can lead to better police intelligence products, better decision-making, and more effective policing.

The problem remains that many law enforcement communities are resistant to the involvement of private enterprises in what have been traditional police matters. However, the high likelihood of crimes occurring within the business community makes it essential to incorporate their participation in public-private partnerships. Similarly, Simeone cited as reference that today 70 percent of Americans use the Internet and more than 190 million emails are sent each day. This makes the Internet an important portal for interdisciplinary communication and sharing of information between public and private communities. Through web portals, emails, and community groups, virtual communities can be created which lead to increased social capital and civic engagement between law enforcement and the public sector. Much discussion centered on the differing definitions and implications of the words "intelligence" and "information" among agencies, as well as on concerns over protection of individual rights and civil liberties.

Siobhan O'Neil, Congressional Research Service, discussed the emergence of fusion centers, their evolving nature, and the relationship between state and local fusion centers and the private sector. The American Civil Liberties Union (ACLU) has called fusion centers part of the creation of a "surveillance industrial complex," which suggests that they have the potential to disregard or abuse individual rights and civil liberties. Research by the Congressional Research Service, however, suggests that the ACLU statement is incorrect, not warranted, and not a reflection of current reality. To the contrary, forces and regulatory authorities exist to minimize abuses and the short sightedness of abusers. Fusion centers are narrowly focused and law enforcement oriented, with established relationships that they do not want to damage. They are reservoirs for total integration that are being established to meet operational and tactical concerns.

Yet many issues that require integration are not being addressed. Private sector entities should be involved, but fusion centers are not being proactive in recruiting them. One reason stems from the incorrect information distributed by the ACLU about fusion centers; misrepresentation of fusion centers may result in the inability to assure a cooperative environment. The development of a matrix of staff disciplines, and the establishment of information-sharing protocols, is needed. Some fusion centers are beginning to offer permanent seats for industry

associations, but the private sector has not accepted a seat because no cost-benefit analysis has been done to demonstrate the fusion center's cost effectiveness. Discussion revolved around the growing interface between law enforcement, information technology, communication, and privacy concerns. Questions that need to be addressed are: How to desensitize information? What limitations and standing operating procedures are necessary? Who owns the data that fusion centers collect? Can there be transparency between the public and private sectors?

The lack of defining metrics for fusion centers is problematic. Fusion centers are unique local and state initiatives that can significantly boost homeland security efforts. However, since they have been established to meet local and state needs the federal government has been reluctant to place requirements on them. Federal guidelines have not been compulsory up to now. This failure to establish common roles, structural requirements, and responsibilities for fusion centers leaves open the possibility for both ineffectiveness and civil rights abuses. While these concerns have not been realized up to now, the potential for both places the future viability of fusion centers at risk.

Lieutenant Commander Michael (Andre) Billeaudeaux, United States Coast Guard, discussed the cultivation of citizen-based communities of practice to build partnerships in the maritime domain. He presented concepts developed as a result of his assignment in Puerto Rico, where immigration problems were the foundation for negative publicity regarding Coast Guard capabilities in the maritime domain. The need was observed for citizen-based community networks to act as sensors and develop relationships for the Coast Guard. The question is: How to establish such networks, and what are their ramifications?

Due to the vastness of the area that the Coast Guard protects and the relatively small number of personnel to achieve this mission, alternative surveillance techniques and strategies need to be employed. Billeaudeaux' proposal to utilize external citizen-based resources for vigilance and as a source for routine information initially met some resistance, but has been increasingly adopted throughout the Coast Guard. His study of community of practice measures for growing vigilance through social identity, access (vigilance), trust-based social capital, goal clarity, and mutual understanding. His argument is that, through a variety of media, people are exposed to 20,000 messages per day/per person. The Coast Guard can utilize text and non-text portals to communicate with a selected group of external sources. His study identified that those who received phone/text messages from the Coast Guard demonstrated a higher trust factor, and those who had highest trust demonstrated the highest vigilance. Ultimately, the use of citizen-based networks as censors offers the Coast Guard increased capability to bring security to a dynamic, unwieldy environment where foreign ships, their crews, and hundreds of thousands of small vessels operate in and around our nation's critical infrastructure.

CONCLUSION

The two day CHDS Annual Conference brought together homeland defense and security practitioners and academicians in an academic environment to discuss current issues identified as significant by the CHDS Alumni Association. It

produced a professional dialogue over these issues that spanned both horizontal integration across multi-disciplinary fields of expertise, and vertical integration that incorporated academic, private, local, state, and federal perspectives. The result for the participants was, if not full agreement, at least more comprehensive insight and understanding of the homeland defense and security issues that were discussed.

Donald J. Reed *specializes in strategic planning for United States Northern Command. His career spans twenty years as a United States Army military police officer, and more than six years as a civilian homeland defense plans officer. He helped to plan and execute the Department of Defense operational responses to both the 9/11 terrorist attacks as a member of Consequence Management Task Force East, as well as to Hurricane Katrina as a member of Joint Task Force Katrina. He holds a master's degree in Security Studies from the Naval Postgraduate School, Center for Homeland Defense and Security, where he is also a recipient of the Curtis H. "Butch" Straub Award for homeland security leadership and academic excellence.*

Chuck Eaneff *is a Naval Postgraduate School, Center for Homeland Defense and Security (CHDS) Distinguished Fellow. As a Fellow, he is acting as a Deputy Director in the FEMA Office of the Administrator, providing law enforcement advice. Chuck retired as Deputy Chief with the Sunnyvale Department of Public Safety in California. As a Deputy Chief of Public Safety, Chuck served as both the Chief of Fire Services and the Chief of Police Services, reporting to the Director of Public Safety. Over his career, Chuck has worked in every area of public safety, with extensive opportunities to work jointly with multiple disciplines and federal agencies on local, national, and international investigations. Chuck's* Evaluating the Impact of Contextual Background Fusion on Unclassified Homeland Security Intelligence *was recently published, and he serves as a member of the Chemical Vulnerability Information Task Force, and as a subject matter expert for a number of DHS initiatives including the critical infrastructure State Local Tribal Territorial Government Coordinating Council and Law Enforcement Deployment Team Working Group for Major City Police Chiefs.*

Cynthia Cox *received her MA in security studies from the Naval Postgraduate School Center for Homeland Defense and Security, and has a B.S. in emergency medical systems management from Texas Tech University. She has spent the past 16 years in emergency management in various roles including first responder, emergency manager, planner, and educator. Cynthia specializes in community emergency preparedness, medical reserve corps, and preparedness education programs. She is the owner and president of Agendum, providing professional and technical consulting services to homeland security and emergency management organizations.*